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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/246,578	02/08/1999	ROBERT J. DALIAS	82771.P269	6329

8791 7590 03/21/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER
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PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/246,578	DALIAS ET AL. 
	<b>Examiner</b>	<b>Art Unit</b>
	Bob A. Phunkulh	2661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Request for Continued Examination***

The request filed on 1/31/2005 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/246,578 is acceptable and a RCE has been established. An action on the RCE follows.

This communication is in response to applicant's 01/31/2005 amendment/responses in the application of **DALLAS et al.** for "**SS7-INTERNET GATEWAY ACCESS SIGNALING PROTOCOL**" filed 02/05/1999. The amendments/response to the claims have been entered. Claims 15-20 have been canceled. Claims 21-23 have been added. Claims 1-14, 21-23 are now pending.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14, 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claim subject matter contains

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new matters which is not supported by the original specification especially "the status message comprises a first field . . . and a second field."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Turner* et al. (US 6,084,956), hereinafter *Turner*, in view of *Boese* et al. (US 5,084,816), hereinafter *Boese*.

Regarding claims 1-11, *Turner* discloses in a network architecture comprising a telephone switch (PSTN switch 50, figure 4), an access server (server 59, figure 4) coupled to a data network (64, figure 4) and the telephone switch via a telecommunications medium (link 56, figure 4) to transmit user information between the telephone switch and the data network, and a gateway (Interworking Function 54 and network controller, figure 4) coupled to the access server and the telephone switch via an out-of-band communications medium (SS7 network 52, figure 4) to transmit signaling information between the telephone switch and the access server. *Turner* further discloses sending control and response messages between the Interworking node and the NSA (see figure 6).

*Turner* fails to explicitly disclose sending a status message from the NAS to the gateway and a response message from the gateway to the NAS, where the status message indicates the transmitter is operational and indicates the capabilities of the transmitter, and the status acknowledge message indicates the message is received.

*Boese*, on the other hand, teaches that transmitting link status signal units (LSSUs) or message signal unit (MSU) messages between the at least two nodes (STP, or SSP or SCP or ) for flow control (see col. 15 line 50-68) or configuration of the network or alignment of the two nodes (see col. 17 line 47 to col. 18 line 55). When a transmitter transmits the LSSU or MSU message, the receiver must transmits the acknowledge receipt; where the status message indicates the transmitter is operational and indicates the capabilities of the transmitter, and the status acknowledge message indicates the message is received (see col. 17 line 47 to col. 18 line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to transmits LSSU or MSU signaling messages of *Boese* in the link between the access server and the gateway (STP 31 and ISCP 40) of *Turner* to performs either flow control when there is congestion in the link or gateway or the access server, network configuration when there are changes in the network, or re-alignment between the access server and the gateway (STP 31 and ISCP 40) when there is a failure in either one or to indicate whether the interfaces 183 can receive user information from the PSTN.

Regarding claims 12-13, *Turner* discloses in a network architecture comprising a telephone switch (PSTN switch 50, figure 4), an access server (server 59, figure 4) coupled to a data network (64, figure 4) and the telephone switch via a telecommunications medium (link 56, figure 4) to transmit user information between the telephone switch and the data network, and a gateway (Interworking Function 54 and network controller, figure 4) coupled to the access server and the telephone switch via an out-of-band communications medium (SS7 network 52, figure 4) to transmit signaling information between the telephone switch and the access server. *Turner* further discloses sending control and response messages between the Interworking node and the NSA (see figure 6).

*Turner* fails to explicitly disclose sending a status message from the gateway to the NAS and a continuity response message from the NAS to the gateway.

*Boese*, on the other hand, teaches that transmitting link status signal units (LSSUs) or message signal unit (MSU) messages between the at least two nodes (STP, or SSP or SCP or ) for flow control (see col. 15 line 50-68) or configuration of the network or alignment of the two nodes (see col. 17 line 47 to col. 18 line 55). When a transmitter transmits the LSSU or MSU message, the receiver must transmits the acknowledge receipt.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to transmits LSSU or MSU signaling messages of *Boese* in the link between the access server and the gateway (STP 31 and ISCP 40) of *Turner* to performs either flow control when there is congestion in the link or gateway or

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the access server, network configuration when there are changes in the network, or re-alignment between the access server and the gateway (STP 31 and ISCP 40) when there is a failure in either one or to indicate whether the interfaces 183 can receive user information from the PSTN.

Regarding claims 14, 21-23, *Turner* discloses in a network architecture comprising a telephone switch (PSTN switch 50, figure 4), an access server (server 59, figure 4) coupled to a data network (64, figure 4) and the telephone switch via a telecommunications medium (link 56, figure 4) to transmit user information between the telephone switch and the data network, and a gateway (Interworking Function 54 and network controller, figure 4) coupled to the access server and the telephone switch via an out-of-band communications medium (SS7 network 52, figure 4) to transmit signaling information between the telephone switch and the access server. *Turner* further discloses sending control and response messages between the Interworking node and the NSA (see figure 6).

*Turner* fails to explicitly disclose sending a status message from the gateway to the NAS and a response message from the NAS to the gateway, where the status message indicates the transmitter is operational and indicates the capabilities of the transmitter, and the status acknowledge message indicates the message is received.

*Boese*, on the other hand, teaches that transmitting link status signal units (LSSUs) or message signal unit (MSU) messages between the at least two nodes (STP, or SSP or SCP or ) for flow control (see col. 15 line 50-68) or configuration of the

network or alignment of the two nodes (see col. 17 line 47 to col. 18 line 55). When a transmitter transmits the LSSU or MSU message, the receiver must transmits the acknowledge receipt; where the status message indicates the transmitter is operational and indicates the capabilities of the transmitter, and the status acknowledge message indicates the message is received (see col. 17 line 47 to col. 18 line 55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to transmits LSSU or MSU signaling messages of *Boese* in the link between the access server and the gateway (STP 31 and ISCP 40) of *Turner* to performs either flow control when there is congestion in the link or gateway or the access server, network configuration when there are changes in the network, or re-alignment between the access server and the gateway (STP 31 and ISCP 40) when there is a failure in either one or to indicate whether the interfaces 183 can receive user information from the PSTN.

### ***Response to Arguments***

Applicant's arguments filed 1/31/2005 have been fully considered but they are not persuasive.

In response to the applicant's argument in page 6, Bosses discloses the motivation to combine the references in col. 16 lines 45-58; col. 18 lines 1-15.

In response to the applicant's argument in page 7, *Turner* discloses the CCSY signal internetworking node 54 and NAS 59 handles call setup and other signaling primitives (see col. 5 lines 58-65). Thus, they functions as two signaling points or nodes. Therefore, implementing the teaching of *Boese* in the system taught by *Turner*



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especially transmitting link status signal units (LSSUs) or message signal unit (MSU) messages between the at least two nodes (STP, or SSP or SCP or ) for flow control (see col. 15 line 50-68) or configuration of the network or alignment of the two nodes (see col. 17 line 47 to col. 18 line 55) would have been obvious to one having ordinary skill in the art at the time of invention.

### ***Conclusion***

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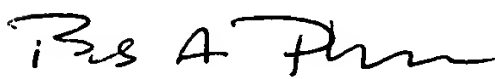
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau T. Nguyen** can be reach on **(571) 272-3126**. The fax phone number for this group is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Bob A. Phunkulh**



**BOB PHUNKULH  
PRIMARY EXAMINER**

TC 2600  
Art Unit 2661  
March 15, 2005